

Proposed Rule Amendments Establishing Diversity, Inclusion, and Elimination of Bias Training

Status: Published for comment

Purpose:

To create a new category of CLE entitled Diversity, Inclusion, and Elimination of Bias Training and require all lawyers to complete at least one hour of the training in 2022. The purpose of a temporary rule for 2022 is to allow the Board of Continuing Legal Education to examine larger revisions to the CLE rules. The intent is to establish an ongoing requirement for Diversity, Inclusion, and Elimination of Bias training.

27 NCAC 1D – SECTION .1500 Rules Governing the Administration of the Continuing Legal Education Program

.1501 SCOPE, PURPOSE, AND DEFINITIONS

(a) Scope

...

(b) Purpose

...

(c) Definitions

(1) “Active Member” shall include any person...

...

(21) “Diversity, Inclusion, and Elimination of Bias Training” shall mean a program, directly related to the practice of law, devoted to diversity, inclusion, and elimination of bias towards persons based on race, sex, national origin, religion, age, disability, sexual orientation, gender identity, marital status, or socioeconomic status. Programs may focus on implicit and explicit bias, equal access to justice, serving a diverse population, diversity and inclusion initiatives in the legal profession, and sensitivity to cultural and other differences, among other things, when interacting with clients, judges, jurors, litigants, attorneys, court personnel, and members of the public.

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.1518 CONTINUING LEGAL EDUCATION PROGRAM

(a) Annual Requirement. Each active member subject to these rules shall complete 12 hours of approved continuing legal education during each calendar year beginning January 1, 1988, as provided by these rules and the regulations adopted thereunder.

Of the 12 hours:

(1) at least 2 hours shall be devoted to the areas of professional responsibility or professionalism or any combination thereof;

(2) at least 1 hour shall be devoted to technology training as defined in Rule .1501(c)(17) of this subchapter and further explained in Rule .1602(e) of this subchapter;

(3) ~~effective January 1, 2002,~~ at least once every three calendar years, each member shall complete an hour of continuing legal education instruction on substance abuse and debilitating mental conditions as defined in Rule .1602 (a). This hour shall be credited to the annual 12-hour requirement but shall be in addition to the annual professional responsibility/professionalism requirement. To satisfy the requirement, a member must attend an accredited program on substance abuse and debilitating mental conditions that is at least one hour long.

(4) Temporary Rule for 2022 Reporting Period. All members shall complete at least one hour of approved diversity, inclusion, and elimination of bias training as defined in Rule .1501(c)(21) of this subchapter during the 2022 reporting period. This training will be credited to the annual 12-hour requirement but shall be in addition to the annual professional responsibility/ professionalism requirement.